

**MINUTES OF THE  
IDAHO BOARD OF PHARMACY**

January 16, 2004

AmeriTel Inn  
Boise, Idaho

Chairperson Dr. Marilyn Silcock called the meeting to order at 9:00 A.M. In attendance were Board members Frank Casabonne R.Ph.; Kitty Gurnsey and Dwayne Sheffler R.Ph. Board member Mike Merrill was unable to attend the meeting. Also in attendance were Richard Markuson, Executive Director; Fred Collings, Senior Investigator; Jan Atkinson, Senior Compliance Officer; Kent Nelson, Deputy Attorney General and Cheri Bush, Deputy Attorney General.

In the absence of Mike Merrill the Board Chairperson volunteered to vote during the proceedings. In the case of a tie vote the members agreed to hold the matter over to the next Board meeting for a vote by the full Board. Members of the Board unanimously approved the meeting policy.

Frank Casabonne made a motion to approve the minutes from the November 7, 2003 meeting. Kitty Gurnsey seconded the motion. Motion unanimously carried.

Regarding citation #1188 issued to Cathi Ketterling R.Ph.; Cathi Ketterling appeared before the Board to address the citation. Frank Casabonne made a motion to fine Ms. Ketterling \$100.00 for the violation and \$100.00 for investigative costs, place a letter of reprimand in her file and to have the Board staff send Dr. Nofziger a letter advising him of both federal and state requirements for prescribing and filling Schedule II prescriptions. Dwayne Sheffler seconded the motion. Motion unanimously carried.

Regarding citation #2652 issued to Thomas Dahlgren R.Ph.; Mr. Dahlgren appeared before the Board to address the citation. Dwayne Sheffler made a motion to fine Mr. Dahlgren \$100.00 for the error and place a letter of reprimand in his file. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding citation #1282 issued to Larry Munkelt R.Ph.; Dr. Silcock made a motion to fine Mr. Munkelt \$100.00 for the violation and place a letter of reprimand in his file. Dwayne Sheffler seconded the motion. Motion unanimously carried.

Regarding citation #1281 issued to Chad Jungert R.Ph.; Frank Casabonne made a motion to fine Mr. Jungert \$100.00, place a letter of reprimand in his file and also requested Mr. Jungert to provide the Board with a written statement outlining the procedural changes that they have to their record keeping for controlled substances. Dwayne Sheffler seconded the motion. Motion unanimously carried.

Regarding citation #2146 issued to John Weimer R.Ph.: the citation was tabled at the last meeting in order to determine the discrepancies in the time between the date the error was allegedly made and the dates of the two hospital stays that were attributed to that error. The Board concluded that the medication was last filled on April 13<sup>th</sup> for a 30 day supply but the first hospital admit was not until June 10<sup>th</sup>. Kitty Gurnsey made a motion to fine Mr. Weimer \$100.00 for the error, place a letter of reprimand in his file and request that Mr. Weimer send an explanation of the changes he made in the filling process to prevent this type of error in the future. Dwayne Sheffler seconded the motion. Motion unanimously carried.

Regarding the Stipulation and Order for George Harvey R.Ph.: Kitty Gurnsey made a motion to accept the Stipulation as modified. Dwayne Sheffler seconded the motion. Motion unanimously carried.

Regarding citation #2140 issued to Michael McGee R.Ph.: Kitty Gurnsey made a motion to fine Mr. McGee \$400.00 for the violation, \$100.00 in investigative costs and place a letter of reprimand in his file. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding the voluntary surrender by Molly Phillips C.R.N.P. of her controlled substance registration: Based on the Stipulation and Order placed on Ms. Phillips by the Board of Nursing, Frank Casabonne made a motion to accept the surrender. Kitty Gurnsey seconded the motion. Motion unanimously carried. The Board also directed Cheri Bush to draft a letter and submit it along with all relevant information involving this case to the Prosecuting Attorney of Bonneville County for further review.

Regarding Technician Registration T-2980 issued to Matthew Kohal: Marilyn Silcock made a motion to revoke Mr. Kohal's registration. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding the Stipulation and Order for Robert Nelson M.D.: Frank Casabonne made a motion to accept the Stipulation as written. Dwayne Sheffler seconded the motion. Motion unanimously carried.

Regarding the Stipulation and Order for Brian Anderson R.Ph.: Frank Casabonne motioned to accept the Stipulation as written. Kitty Gurnsey seconded the motion. Motion unanimously carried.

During a review of budget issues Mr. Markuson discussed his meeting with budget analysts and their recommendations were to monitor the personnel costs to ensure they remain aligned with current projections.

The Board discussed the NABP annual meeting that will be held in May. Dr. Silcock, as Board Chairman will be the voting delegate for the Board. Upcoming CE programs are being scheduled by Mick and listed on the website. The next Board of Pharmacy meeting is scheduled for March 5, 2004 in Boise. Jan Atkinson will do the Pharmacy Law Update at the Joint Spring Meeting for ISHP on March 7, 2004.

Meeting Adjourned.

At 1:30 P.M. the meeting was called to order.

Regarding the Findings of Fact, Conclusions of Law and Order for Steve Seyfert R.Ph.: Dwayne Sheffler made a motion to suspend Mr. Seyfert's license to practice pharmacy for a minimum of one year from 1/16/04 and accept the proposed Order with revisions to include random urine analysis monitored by NCPS, every two weeks for one year and then once a month for the following year and to also require probation for four (4) years following reinstatement of his license. As stated by the Order, the Board also reserves the right to assess investigative costs and attorney's fees incurred in this matter and an administrative fine as a condition of reinstatement. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding the hearing held concerning the CS application of Bradley W. Gilman M.D.: Kitty Gurnsey made a motion to accept the hearing officer's recommendation to issue Dr. Gilman a controlled substance registration conditioned upon his full performance of all terms and conditions as set forth in the Board of Medicine stipulation and order and pursuant to the issuance of a registration by the DEA. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding the Stipulation and Order for Alan W. Bell: Kitty Gurnsey made a motion to reinstate Mr. Bell's license to practice pharmacy with the addition of specific requirements as set forth by the Board.

The requirements include Mr. Bell adhering to no more than a forty (40) hour/ work week; not working alone; he cannot be a preceptor; must complete all continuing education requirements; must do twenty-four (24) random UAs annually to be monitored by NCPS and does not take on the responsibility of being the PIC in the pharmacy. Dr. Silcock seconded the motion.

Motion unanimously carried.

Stan Gibson representing ISPA and Debbie Heckathorn representing ISHP addressed the Board in support of a rule to increase the technician ratio to 3:1. The ISU Professional Pharmacy Student Alliance (PPSA) also supported the increase in the ratio as long as a certification of technicians would follow. Mr. Gibson read a letter from Tony Rost R.PH. in support of the ratio increase from his retail perspective. Mr. Rost's letter also noted the tremendous shift in the number of details now required to fill a single prescription. Association members felt that the increased requirements such as acquiring patient information, insurance information, Medicaid prior authorization, formulary compliance, and claims adjudication not to mention claim rejections and the resubmittal process would be vastly improved by the addition of another pharmacy technician. In Board discussions addressing concerns with the possibility of three technicians involved in the filling function and being supervised by one pharmacist, several managers of pharmacy chains agreed that if the ratio was increased to 3:1 most likely one or two of the technicians would be involved with other functions, such as ringing up the prescription or claims processing. The Board attorney addressed the use of clerks or cashiers that in some pharmacies are not registered as technicians. Mr. Nelson stated that the employ of non-registered personnel behind the pharmacy counter was outside of the intent of Rule 251 and that any employee who works behind the pharmacy counter and is under the direct supervision of a registered pharmacist should be registered as a pharmacy technician. In conclusion, the Board felt that requiring everyone employed behind the pharmacy counter to be a registered technician would reinforce the need for a 3:1 ratio while also addressing concerns about all three technicians being involved with the filling process. Frank Casabonne made a motion to accept the proposal for an increase in the technician ratio to 3:1 and allowing the associations to proceed with an emergency rule to implement the change. Kitty Gurnsey seconded the motion. Motion unanimously carried.

During legislation and rule review a question was raised regarding "First Dose" orders and how they are handled. In discussion by Board members it was determined that any pharmacy that supplies a "first dose" to a patient would need to handle it in one of two ways. Either the pharmacy would receive the entire order from the practitioner or agent and then transfer any remaining quantity to the supplying pharmacy or the practitioner or agent would need to call in a specific amount to the "first dose" pharmacy and any remaining amount would be called in to the contracting pharmacy. Regardless, the "first dose" pharmacy provider must have a valid prescription for the amount of medication they dispense and it must be labeled and numbered by that pharmacy, as the provider pharmacy. The contracting pharmacy that fills the remaining prescription must also have the same information available for the medication they are providing.

Also during rule review the subject of physician orders in limited service pharmacies was addressed. Rule 177. Limited Service Pharmacies allows for the application of institutional rules where appropriate. It was determined by this Board that with respect to physician orders in limited service pharmacies all applicable institutional rules may be applied.

At 5:20 P.M. the meeting was adjourned.

Minutes respectfully submitted by Jan Atkinson

